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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,537	02/07/2002	Marie Hayet	056159-5005	7836

201 7590 10/08/2004

UNILEVER  
PATENT DEPARTMENT  
45 RIVER ROAD  
EDGEWATER, NJ 07020

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/067,537

Applicant(s)

HAYET ET AL.

Examiner

Robert M. Pond

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-4 and 8-10 are rejected under 35 USC 103(a) as being unpatentable over Suzuki (patent number 6,129,274).**

Suzuki teaches a system and method of communicating between a shopper's personal memory store and point-of-sale terminal in a supermarket, department store or other retail facility connected to a first storage. Suzuki teaches demographic profile, customer's transaction history data, and a customer's current incentive indicia located in a second storage (see at least abstract; col. 5, line 62 through col. 6, line 14). Suzuki further teaches:

- *First storage:* stores inventory data (see col. 7, line 17).
- *Second storage:* stores demographic profile, customer's transaction history data, and a customer's current incentive indicia (see at least abstract; col. 5, line 62 through col. 6, line 14).
- *Optional third storage:* storing customer-base data (see at least col. 1, lines 20-26; col. 2, lines 1-33).
- *Prediction means:* system determines substantial period has past and determines necessities (e.g. milk, butter, eggs) may be needed and

provides a recommendation list to the customer (see at least col. 14, lines 1-14).

- Providing feedback: consumer supplies the system with purchase history and other data used for making recommendations as noted above.
- Amending recommended list:

Suzuki teaches all the above as noted under the 103(a) rejection and teaches a) consumer choosing products they need, and b) the system recommending a list of goods for purchase based on prediction means, but does not disclose the consumer amending the list. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose the consumer amending the list in order to provide a customer convenience, since one of ordinary skill in the art would ascertain that a predicted list may not be exactly what the consumer wants.

**4. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Suzuki (patent number 6,129,274), in view of Pyo (patent number 6,636,836).**

Suzuki teaches all the above as noted under the 103(a) rejection and teaches a) predicting what a consumer may need, and b) making the recommendation list to the consumer, but does not disclose predictive methods. Pyo teaches a system of software components providing a variety of analyzing methods to achieve better predictive results (see at least abstract; col. 1, line 8 through col. 2, line 67). Pyo further teaches at least rule-based, regression, collaborative

filtering, content filtering, neuron network theory, and statistical theory methods (see at least col. 8, lines 32-44). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Suzuki to implement a variety of predictive methods as taught by Pyo, in order to achieve better predictive results, and thereby increase sales to consumers.

- 5. Claims 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Suzuki (patent number 6,129,274), in view of Bieganski (patent number 6,321,221).**

Suzuki teaches all the above as noted under the 103(a) rejection and teaches a) merchants acquiring a consumer's frequency of purchase information and repeated-sales (e.g. awarding frequent flyer points or awards) (please note examiner's interpretation: characterized by frequency or repeat sales), b) displaying lists by price, c) predicting what a consumer may need, and d) making the recommendation list to the consumer, but does not disclose presenting the lists in ranked order based on estimated probability. Bieganski teaches weighted recommendations, purchase frequency, making recommendations based on estimated probabilities, and numerically valued items implicitly ranked. Bieganski further teaches the highest ranked recommendation having the highest probability of being correct (e.g. grocery store recommendations) (see at least abstract; col. 2, line 58 through col. 3, line 16). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the

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system and method of Suzuki to present recommendations in an ordered manner by numerical value, frequency, or estimated probability as taught by Bieganski, in order to more accurately assist the consumer with purchases, and thereby increase sales for the service.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

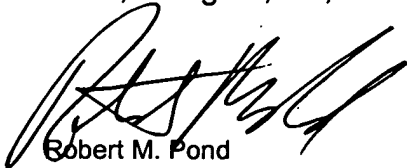
Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
October 1, 2004